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### REMARKS

Claims 1-9, 11-14, and 16-24 are pending in the application. Claims 17-24 have been withdrawn from consideration as being directed to non-elected subject matter. Claims 1, 2, 11, and 16 have been amended by the present amendment. The amendments are fully supported by the application as originally filed.

Claims 11-14 were rejected under 35 USC §112, second paragraph, as being indefinite. As amended, claim 11 clearly recites that information is recorded in a first format in the data recording region, and encryption information is recorded in a second format in the encryption data recording region. In other words, the second format is used to record the encryption information. The amendment to claim 11 is similar to a previous amendment to claim 2, which was approved by the Examiner. It is believed that the above amendment overcomes the rejection under 35 USC §112, second paragraph.

As amended, independent claims 1, 2, 11, and 16 each recite that different encryption information is recorded onto different disks. For example, as described in the specification, disk identification information is recorded in advance in an encryption data recording region 11 of a disk 1 (see page 14, first full paragraph; FIG. 1). This disk identification information includes "production number data and encryption key data" (page 14, first full paragraph), and is individually provided for each disk (see page 14, last two paragraphs). In other words, the encryption information is different for each disk, which can help prevent unauthorized copying (see page 14, last paragraph to page 15, first paragraph).

Claims 1-3 and 16 were rejected under 35 USC §102(a) as being anticipated by PCT Publication WO 00/07182 "as evidenced by" U.S. Patent 6,633,534 to Tosaki et al. (hereinafter "Tosaki"). Claims 4-6, 9, and 11-14 were rejected under 35 USC §103(a) as being unpatentable over PCT Publication WO 00/07182 "as evidenced by" Tosaki. Claims 7 and 8 were rejected under 35 USC §103(a) as being unpatentable over PCT Publication WO 00/07182 in view of U.S. Patent 6,343,282 to Oshima et al. These rejections are respectfully traversed.

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Tosaki does not teach or suggest a recording and reproducing apparatus, method, or recording medium in which different encryption information is recorded onto different disks.

Referring to FIG. 2 of Tosaki, a lead-in area 4 is provided with a prepit section including prepits 9 which record "key information for copy managing use (key information for preventing copy)" (see column 7, lines 14-16 and 23-25).

However, there is no teaching or suggestion that the prepit section contains key information that is different for different disks. For example, the use of "an injection molding process" or a "process using laser rays" to form the prepits implies that the same key information is copied to multiple disks (see column 2, lines 61-64), and thus different disks would have the same key information.

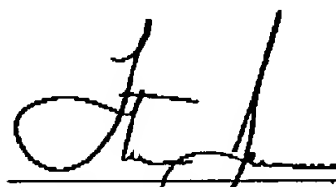
For at least the reasons discussed above, the Tosaki reference does not anticipate or otherwise render obvious the Applicant's claimed invention.

It is believed that the claims are in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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By:

  
Steven M. Jensen  
(Reg. No. 42,693)

Edwards Angell Palmer & Dodge  
P.O. Box 55874  
Boston, MA 02205

Phone: (617) 439-4444

Customer No. 21874